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09/647,784	10/05/2000	Juha Rasanen	PM 273950	4022
909	7590	05/05/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			SCHEIBEL, ROBERT C	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2616	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/647,784

Applicant(s)

RASANEN, JUHA

Examiner

Robert C. Scheibel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10,27,30 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,27,30 and 38-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

- This action acknowledges receipt of Applicant's Amendment filed 2/13/2006.
- New claims 40-44 have been added.
- Claims 10, 27, 30, and 38-44 are currently pending.

### ***Response to Arguments***

1. Applicant's arguments, see pages 7-9, filed 2/13/2006, with respect to the rejection of claims 10, 27, 30, 38, and 39 have been fully considered but they are not persuasive. While Dail may differ from the details in the specification of the present application, the claim language does not sufficiently distinguish the invention from that of Dail. Applicant is encouraged to refine the claim language to better define the invention and thus distinguish it from the prior art.

The first two paragraphs on page 7 summarize Applicant's arguments that Dail fails to disclose all the limitations of the above-cited claims. Examiner respectfully disagrees with this argument as stated in more detail below. In the third, fourth, and fifth paragraphs on page 7, Applicant summarizes portions of the Dail reference. This summary is generally accurate, but fails to indicate that Dail specifically indicates that his invention is applicable to wireless networks in addition to the cable embodiment described in most of the text (see lines 18-21 of column 1 and 49-55 of column 5).

In the sixth paragraph of page 7, Applicant asserts that Dail fails to disclose the assignment of one common traffic channel to two or more simultaneous mobile communication network calls or the sharing of capacity of the common traffic channel between two simultaneous calls. Examiner respectfully disagrees. As stated in the previous office action and in the

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rejection below, Dail teaches this in Figure 3. Dail also clearly confirms this teaching of sharing of a common channel by describing a modification (in column 26) in which a second call by the same user is assigned to use a different channel when the bandwidth on the common channel is no longer available; this is in contrast to the preferred embodiment in which only one channel is used throughout.

In the first full paragraph of page 8, Applicant argues that the traffic channels in the Dail reference are not the same as the traffic channels in the claimed invention. While these channels are different than the channels described in the specification of the present application, they clearly read on the present claim language as they carry traffic and a common channel supports ATM and STM traffic from the same user as indicated in Figure 3.

In the second and third full paragraphs of page 8, Applicant argues that Dail fails to teach favoring transparent calls over non-transparent calls. Specifically, Applicant argues that STM and ATM traffic is transferred in two separate regions and thus do not share a common traffic channel. However, these regions represent the allocation of bandwidth on a given channel. Further, these regions are dynamically adjusted in Dail in a manner reading on the present claims as indicated in the previous action and in the rejection below. Accordingly, the previous rejection of claims 10, 27, 30, 38, and 39 is maintained herein.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **10, 27, 30, 38, and 39** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,570,355 to Dail et al.

Regarding claims **10, 27, and 38**, Dail discloses all the limitations of these claims as follows:

A method of producing two or more simultaneous data calls for one mobile station (the mobile station in Dail is a “station” 107 – see lines 52-55 of column 5 for an explanation of how this station is also a mobile station in an embodiment) in a mobile communication system, comprising assigning only one common traffic channel to two or more simultaneous mobile communication network calls of the mobile station (the specification as a whole discusses the use of a single channel for multiple calls; these calls can be from the same mobile station; this is most evident in the passage in lines 34-50 of column 26 which, at the end of the specification, describes a “modification” to the base implementation whereby a second call from the same station *can* use a second channel; this clearly indicates that in the base implementation described throughout (i.e. without the “modification”), this second call would be assigned to the same channel as the first call; as further evidence, see figure 3 which shows a mobile station with multiple services generating different types of traffic which is transmitted using one transmitter after being multiplexed by element 338), sharing the capacity of the common traffic channel between the simultaneous calls (this is evident throughout – see lines 10-14 as just one of many examples; as further evidence, see figure 3 which shows a mobile station with multiple services generating different types of traffic which is transmitted using one transmitter after being multiplexed by element 338), detecting that the mobile communication network is temporarily

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unavailable to allocate more transmission capacity or the required transmission capacity to the common traffic channel when a new call or connection is established (see lines 35-37 of column 18 and figure 15), allocating the requested capacity to transparent calls or connections and the remaining capacity to non-transparent calls or connections when the mobile communication network is temporarily unable to allocate more transmission capacity or the requested amount of transmission capacity to the common traffic channel (see lines 15-18 of column 5; the STM traffic is equivalent to transparent calls in that it is delay sensitive; ATM traffic is equivalent to non-transparent traffic as it may not be delay sensitive as in the case of a file transfer described in lines 21-23 of column 5), and allocating the requested capacity to non-transparent calls or connections later when capacity becomes available in the network (see lines 9-15 of column 5; see also lines 4-7 of column 4).

Similarly, regarding claims **30 and 39**, Dail discloses all the limitations of these claims as follows:

A mobile communication network, comprising means for establishing one traffic channel of the mobile communication network for two or more simultaneous mobile communication network calls of a mobile station (the mobile station in Dail is a “station” 107 – see lines 52-55 of column 5 for an explanation of how this station is also a mobile station in an embodiment; the specification as a whole discusses the use of a single channel for multiple calls; these calls can be from the same mobile station; this is most evident in the passage in lines 34-50 of column 26 which, at the end of the specification, describes a “modification” to the base implementation whereby a second call from the same station *can* use a second channel; this clearly indicates that in the base implementation described throughout (i.e. without the “modification”), this second

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call would be assigned to the same channel as the first call; as further evidence, see figure 3 which shows a mobile station with multiple services generating different types of traffic which is transmitted using one transmitter after being multiplexed by element 338), means for sharing the capacity of said common traffic channel between said simultaneous calls (this is evident throughout – see lines 10-14 as just one of many examples; as further evidence, see figure 3 which shows a mobile station with multiple services generating different types of traffic which is transmitted using one transmitter after being multiplexed by element 338), means for negotiating between the mobile station and a network about the channel capacity needed for each call or connection (see the bandwidth request field of Figure 5 and lines 37-42 of column 13), and means adjusting dynamically the capacity of the common traffic channel (evident throughout; see the passage from line 66 of column 2 through line 3 of column 3 as just one example), means for establishing a separate subchannel for each call or each connection of each call in said traffic channel (the appropriate time slots discussed in lines 26-31 of column 11 for example), means for establishing one radio link protocol link or link access control protocol link over the traffic channel between the mobile station and the interworking function (clearly, there is one radio link or link access link between the splitter/combiner 360 of the mobile station in figure 3 and the splitter/combiner 472 of the base station in figure 4), means for establishing a logical link for each call or each connection of each call inside said radio link protocol link or link access control protocol link (there is a logical link for each of the services provided by applications 301-303, because the base station is able to distribute the data from each link to the appropriate service platform (490 in figure 4 or networks 111 and 112 in figure 1)) and means for transmitting the user data of each call or each connection of each call via the representative logical link by

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transmitting the data packets of a packet-switched call interleaved with the protocol frames of the radio link protocol or link access control protocol or encapsulated in the protocol frames (each call gets one or more time slot per frame allocated to it; this time slot assignment repeats for successive frames and thus the data is interleaved as data from a first call is sent in a time slot followed by data for a second call followed by data for the first call again in the next frame).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **40-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,570,355 to Dail et al in view of U.S. Patent 6,219,341 to Varanasi.

Dail discloses all the limitations of parent claims 10, 27, 30, 38, and 39 as indicated in the rejection under 35 U.S.C. 102(b) above. Dail does not disclose expressly the limitation that the common traffic channel is a common TDMA or CDMA traffic channel. However, as stated in the above rejection, Dail clearly indicates that his invention applies to wireless systems. The use of TDMA or CDMA in wireless systems is well known. For example, Varanasi discloses that TDMA and CDMA are well-known multiple access techniques for wireless systems in lines 14-18 of column 3. Dail and Varanasi are analogous art because they are from the same field of endeavor of wireless systems. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the wireless embodiment of Dail using the well-



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known multiple access techniques of TDMA or CDMA. The motivation for using TDMA or CDMA would have been to provide a suitable system for applications in which there is more than one active transmitter as described in Varanasi in lines 47-49 of column 3. Therefore, it would have been obvious to combine Varanasi with Dail for the benefit of providing a suitable system for more than one active transmitter to obtain the invention as specified in claims 40-44.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 6:30-5:00 Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RCS 5-1-06*

Robert C. Scheibel  
Examiner  
Art Unit 2616

*Seema S. Rao*  
**SEEMA S. RAO** 5/2/06

**SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**